

Appl. No. 10/028,434
Amdt. Dated April 28, 2005
Reply to Office action of January 26, 2005
Attorney Docket No. P15134-US1
EUS/J/P/05-3097

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 7, and 9-11; claims 1-6 and 13-20 have been canceled; claims 21-26 have been added. Applicant respectfully submits no new matter has been added. Accordingly, claims 7-12 and 21-26 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Examiner Objections – Specification

The specification was objected to because it improperly incorporates by reference essential subject matter, that of the meaning of “timing advance”. In response, the Applicant has modified the specification to include a definition of the term “timing advance.”

Amendatory Material

The Applicant's practitioner affirms that the amendatory material with regard to the meaning of “timing advance” is from the same material incorporate by reference in the application. The definition is found in paragraph 5.4 of the document “3GPP TS 05.10 V8.8.0 (2001-04)” submitted with the IDS.

Also, information referenced in the specification in page 9, line 14 (3GPP TS 04.60) was not included in the IDS. The Applicant thanks the Examiner for the careful review of the specification. As indicated by the Examiner, packet cell change order is well known in the art and as stated in the paragraph that contained the reference, packet cell change order is known in the art, but can be found in 3GPP TS 04.60. The Applicant has amended the Specification to remove the reference.

Requirement for Information

The Applicant is required to provide information that the examiner has determined is reasonably necessary to the examination of the application. The IDS of

Appl. No. 10/028,434
Amdt. Dated April 26, 2005
Reply to Office action of January 26, 2005
Attorney Docket No. P15134-US1
EUS/JIP/05-3097

record does not contain the art suggested by the applicant, 3GPP TS 04.60, as relevant to the examination. Since both the applicant and the Examiner contend that referenced information, the packet cell change command, is well known in the art the Applicant has deleted the reference from the paragraph containing the subject art (3GPP TX 04.60).

Claim Rejections – 35 U.S.C. § 112

Claims 10, and 18-20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Claims 18-20 have been cancelled rendering the rejection of those claims moot. Claim 10 has been amended to complete the claim as required.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaara et al. (US 6,321,083 hereinafter Vaara) in view of Manabe (US 5,423,067). In order to expedite allowance of this application, the Applicant has canceled the claims 1-4 without prejudice.

Claims 5-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaara in view of Manabe and further in view of MPEP 2144.03. In order to expedite allowance of this application, the Applicant has canceled the claims 5-6 without prejudice.

Claims 7-14 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yost et al. (US 6,097,959 hereinafter Yost) in view of Teder et al. (US 5,828,659 hereinafter Teder). Claims 13-14 and 18-20 have been canceled without prejudice. The Applicant has amended claims 7-12 to better define the intended scope of the claimed invention.

Common Ownership

Applicant's invention and the patents to both Yost (US 6,097,959) and Teder (US 5,828,659) were, at the time Applicant's invention as made, owned by Telefonaktiebolaget LM Ericsson, the parent company of Ericsson, Inc.

Appl. No. 10/028,434
Amdt. Dated April 26, 2005
Reply to Office action of January 26, 2005
Attorney Docket No. P15134-US1
EUS/NP/05-3097

Applicant's invention discloses use of timing advance (TA) values from different cells, typically in different base stations, to determine the location of a mobile terminal. The mobile terminal is instructed by the "serving" base station to send access bursts to other mobile stations and the serving base station determines the timing advance values. The base station then sends the timing advance values to a serving mobile location center where the TA values are utilized in conjunction with the known locations of the base stations to determine the location of the mobile terminal.

The Yost reference appears to disclose a system for improving the accuracy of Time of Arrival measurements by averaging together multiple timing advance (TA) values. However, Yost does not disclose utilizing the TA values and the geographic locations of the individual cells in a SMLC to determine the location

The Teder reference also appears to disclose a method of determining a position of a mobile terminal by requiring the mobile terminal to send access bursts to first, second and third base stations. However, Teder does not utilize a Serving Mobile Location Center to utilize known geographic locations of the cells to determine the location of the mobile terminal.

The Applicant respectfully requests the withdrawal of the rejection of claims 7-12.

Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaara in view of Teder. In order to expedite allowance of this application, the Applicant has canceled claims 17 without prejudice..

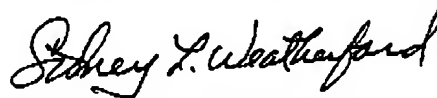
Appl. No. 10/028,434
Amdt. Dated April 26, 2005
Reply to Office action of January 26, 2005
Attorney Docket No. P15134-US1
EUS/J/P/05-3097

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



By Sidney L. Weatherford
Registration No. 45,602

Date: April 26, 2005

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-8656
sidney.weatherford@ericsson.com